



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

re Patent Application of	)	
Jean-Luc Imler et al.	)	Group Art Unit: 1632
Application No.: 09/218,143	)	Examiner: SCOTT DAVID PRIEBE
Filed: December 22, 1998	)	Confirmation No.: 3481
For: DEFECTIVE ADENOVIRUSES AND	)	
CORRESPONDING	)	
COMPLEMENTATION LINES	)	

**FIFTH INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

The documents are being submitted after a first Office Action on the merits but prior to the closing of prosecution, therefore under 37 C.F.R. § 1.97(c), the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is enclosed.

05/27/2005 HALI11 00000065 024800 09218143

01 FC:1806 180.00 DA

**U.S. Patent Documents**

1. Gregory et al., U.S. Patent No. 5,670,488, issued on September 23, 1997.
2. Imler et al., U.S. Patent No. 6,040,174, issued on March 21, 2000.
3. McClelland et al., U.S. Patent No. 5,543,328, issued on August 6, 1996.
4. McClelland et al., U.S. Patent No. 5,756,086, issued on May 26, 1998.
5. Connelly et al., U.S. Patent No. 5,935,935, issued on August 10, 1999.
6. Falck-Pedersen, U.S. Patent No. 5,849,561, issued on December 15, 1998.
7. Falck-Pedersen et al., U.S. Patent No. 5,837,511, issued on November 17, 1998.
8. Kovesdi et al., U.S. Patent No. 5,994,106, issued on November 30, 1999.

9. Mehtali et al., U.S. Patent No. 6,204,060, issued on March 20, 2001.
10. Imler et al., U.S. Patent Publication No. 2003/0170885, published on September 11, 2003.
11. Fallaux et al., U.S. Patent No. 5,994,128, issued on November 30, 1999.
12. Imler et al., U.S. Patent No. 6,133,028, issued on October 17, 2000.

#### **Foreign Patent Documents**

1. International Publication No. WO 94/28152, published on December 8, 1994.

#### **Non-Patent Literature Documents**

1. Abrahamsen et al., "Construction of an Adenovirus Type 7a E1A Vector," Journal of Virology, 1997, vol. 71, no. 11, pp. 8946-8951, American Society for Microbiology, Washington, D.C..
2. Amalfitano et al., "Isolation and characterization of packaging cell lines that coexpress the adenovirus E1, DNA polymerase, and preterminal proteins: implications for gene therapy," Gene Therapy, 1997, vol. 4, pp. 258-263, Nature Publishing Group, London, England.
3. Berkner et al., "Development of Adenovirus Vectors for the Expression of Heterologous Genes," BioTechniques, 1988, vol. 6, no. 7, pp. 616-629, Eaton Publishing, Natick, Maine.
4. Berkner, "Expression of Heterologous Sequences in Adenoviral Vectors," Current Topics in Microbiology and Immunology, 1992, vol. 158, pp. 39-66, Springer Verlag, Berlin, Germany.
5. Bridge et al., "Interaction of Adenoviral E4 and E1b Products in Late Gene Expression," Virology, 1990, vol. 174, pp. 345-353, Academic Press, New York, New York.

6. Bridge et al., "Redundant Control of Adenovirus Late Gene Expression by Early Region 4," Journal of Virology, 1989, vol. 63, n. 2, pp. 631-638, American Society for Microbiology, Washington, D.C.

7. Brough et al., "A Gene Transfer Vector-Cell Line System for Complete Functional Complementation of Adenovirus Early Regions E1 and E4," Journal of Virology, 1996, vol. 70, n. 9, pp. 6497-6501, American Society for Microbiology, Washington, D.C.

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10. Carlock, Leon, "Transformation-Defective Mutant of Adenovirus Type 5 Containing a Single Altered Ela mRNA Species," Journal of Virology, 1981, vol. 40, no. 3, pp. 657-664, American Society for Microbiology, Washington, D.C.

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12. Curiel and Douglas, Editors, Adenoviral Vectors for Gene Therapy, 2002, Chapter 3, pp. 39-70.

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14. Dedieu et al., "Long-Term Gene Delivery into the Livers of Immunocompetent Mice with E1/E4-Defective Adenoviruses," Journal of Virology,

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To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date May 26, 2005

By:

  
Susan M. Dadio  
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Patent  
Attorney Docket No. 032751-016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jean-Luc Imler et al.

Group Art Unit: 1632

Application No.: 09/218,143

Examiner: SCOTT DAVID PRIEBE

Filing Date: December 22, 1998

Confirmation No.: 3481

Title: DEFECTIVE ADENOVIRUSES AND CORRESPONDING COMPLEMENTATION LINES

FIFTH  
INFORMATION DISCLOSURE STATEMENT  
TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a FIFTH Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☐ No additional fee for submission of an IDS is required.
- ☒ The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☒ Charge \$ 180.00 to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of                      is enclosed for the fee due.
- ☐ Charge                      to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By

  
Susan M. Dadio

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Date: May 26, 2005

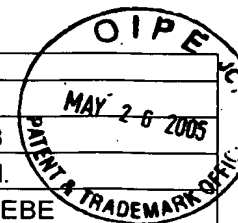
# **FIFTH INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	09/218,143
Filing Date	December 22, 1998
First Named Inventor	Jean-Luc Imler et al.
Examiner Name	SCOTT DAVID PRIEBE
Attorney Docket Number	032751-016



## **U.S. PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
	5,670,488		Gregory et al.	09-23-1997
	6,040,174		Imler et al.	03-21-2000
	5,543,328		McClelland et al.	09-06-1996
	5,756,086		McClelland et al.	05-26-1998
	5,935,935		Connelly et al.	09-10-1999
	5,849,561		Falck-Pedersen	12-15-1998
	5,837,511		Falck-Pedersen et al.	11-17-1998
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	6,204,060		Mehtali et al.	03-20-2001
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	5,994,128		Fallaux et al.	11-30-1999
	6,133,028		Imler et al.	10-17-2000

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS						
					Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited in Spec
	WO 94/28152		International	12-08-1994							

## **NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Abrahamsen et al., "Construction of an Adenovirus Type 7a E1A Vector," <u>Journal of Virology</u> , 1997, vol. 71, no. 11, pp. 8946-8951, American Society for Microbiology, Washington, D.C.
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Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

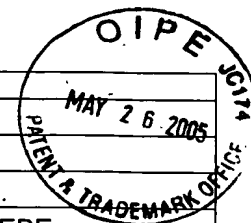
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Sheet 2 of 5

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	Brough et al., "Construction, Characterization, and Utilization of Cell Lines Which Inducibly Express the Adenovirus DNA-Binding Protein," <u>Virology</u> , 1992, vol. 190, pp. 624-634, Academic Press, New York, New York.
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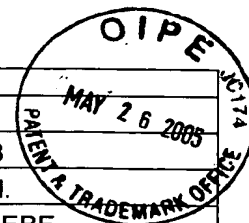
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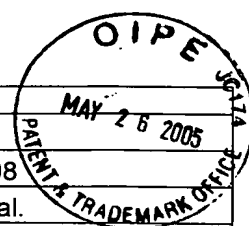
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# **FIFTH INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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Complete if Known

Sheet	4	of	5	Application Number	09/218,143
				Filing Date	December 22, 1998
				First Named Inventor	Jean-Luc Imler et al.
				Examiner Name	SCOTT DAVID PRIEBE
				Attorney Docket Number	032751-016



## **NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
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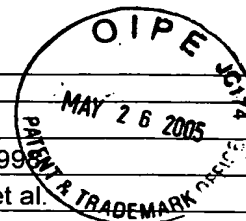
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